

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

September 24, 2001
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Mosher, Deputy Mayor Marshall, Councilmembers Creighton, Davidson, Degginger, and Noble

ABSENT: Councilmember Lee

1. Call to Order

Deputy Mayor Marshall opened the meeting at 6:02 p.m. and announced recess to executive session for approximately 45 minutes to discuss one item of pending litigation.

The study session resumed at 6:46 p.m. with Mayor Mosher presiding. Mr. Mosher asked everyone to stand and observe a moment of silence in honor of the police, firefighters, and citizens who were killed and injured by the terrorist attacks on the United States.

2. Proclamations

- (a) Proclamation of sympathies and condolences to the families and friends of those killed or missing in the recent terrorist attacks

Mayor Mosher read a proclamation of condolences to the families and friends of those killed or missing in New York City, northern Virginia, and western Pennsylvania. He expressed appreciation and sadness for the police officers, firefighters, and emergency workers who lost their lives in the course of doing their duty. He thanked the City Manager and the City Council for their efforts during this difficult time. Mr. Mosher extended a salute to Bellevue public safety personnel who were ready to fly to the East Coast and assist in rescue efforts if needed.

Fire Chief Peter Lucarelli thanked Council for recognizing police officers and firefighters everywhere for their daily dedication to their profession. Councilmember Degginger thanked the community for flowers and letters received by the City in appreciation of public safety workers. Police Chief Jim Montgomery announced that the fire union and police guild will host a memorial event at 10:00 a.m. in Downtown Park on September 29. All citizens are invited to attend.

(b) Proclamation of Bellevue as Hate-Free Zone

Mayor Mosher read a proclamation declaring the City of Bellevue a Hate-Free Zone in the wake of terrorist attacks on the United States. The proclamation states, in part, that “the City will bring all of its resources to bear in order to protect all who live, work, and visit the community from acts of hatred and discrimination.”

Deputy Mayor Marshall read portions of letters of condolence and support received from Sister Cities Liepaja, Latvia and Kladno, Czech Republic.

Mayor Mosher announced that BTV will present a live concert of the Bellevue Philharmonic Orchestra on Wednesday at 8:00 p.m. This concert will feature a 15-year-old violin soloist who is a high school student in Bellevue.

3. Oral Communications: [None at this point in meeting. See Agenda Item 4(h).]

4. Study Session

(a) Council New Initiatives

Mr. Noble indicated that he would like to add an item to tonight’s agenda after making certain disclosures on the subject first. He recalled that on February 5, 2001, the City Council voted to grant an appeal on the decision of the City’s Hearing Examiner approving the application of the Open Window School for a conditional use permit and to deny the permit. On February 12, 2001, Council reconsidered its action of the previous week, undoing its denial of the permit. On March 5, 2001, Council voted to approve the conditional use permit for Open Window School, and on March 19 adopted Ordinance No. 5287 approving the permit with conditions. Council’s approval of the permit was subsequently appealed to Superior Court on procedural grounds. Last week on September 21, Superior Court overturned Council’s reconsideration of its denial of the permit and its approval of the permit, which now brings the matter back to the Council for further action.

Mr. Noble said the City Attorney advised him that since Council’s action of February 12 reconsidering its February 5 vote has been set aside, Council is now back to where it was before the motion for reconsideration was added to Council’s agenda on February 12. Mr. Noble explained that Council rules allow a motion for reconsideration to be made at the next regular meeting after an action has been taken by Council. The City Attorney advises that since Council’s action of February 12 has been invalidated by Superior Court, tonight’s meeting is the next regular meeting for purposes of making a motion to reconsider.

Mr. Noble said he would like to make a disclosure statement before moving to add the issue of reconsideration to the agenda. Prior to February 12, he received numerous emails from people on both sides of the issue, most of which were addressed to the entire Council and also received by the City Clerk. Mr. Noble said he read only one message which was from David Herbig, a longtime acquaintance. He turned the message over to the City Clerk and it is a matter of public record. Mr. Noble said the substance of the email was that Mr. Herbig’s child had attended Open

Window School for six years, it was an amazing place that offered specialized education for gifted children, it is better than the present program offered by Bellevue School District, the school is a good corporate citizen with dedicated parental support, the school's parents will do anything for the school including working with its neighbors, the current school goes only to fifth grade but the new school will go through eighth grade, and the school has passed all building requirements. Mr. Noble said Mr. Herbig urged him to reconsider and offered to provide additional information about the school. Mr. Noble did not respond to the email.

Continuing, Mr. Noble said he also had one oral communication with another acquaintance, Troy Roper, prior to the February 12 Council meeting. Before anything of substance was discussed, Mr. Noble told Mr. Roper that he could not discuss the matter and the conversation was terminated. Mr. Noble said he had no further ex parte contacts regarding the Open Window School matter after February 12 and up to March 19, other than emails sent to the entire Council and City Clerk. He read none of the emails pursuant to direction from the City Attorney's Office.

After the March 19 Council vote on the ordinance approving the conditional use permit, Mr. Noble received a number of emails, some of which he read. Those he read only contained thank-you's or words to that effect and none contained anything substantive on the matter. Mr. Noble asked to be recognized to make his motion after other Councilmembers are given an opportunity to make disclosure statements.

Dr. Davidson said he received many emails addressed to the entire Council regarding Open Window School. He did not read any of them and forwarded them to the City Clerk. He had no other communications whether oral, written, voicemail, or electronic regarding the matter.

Mr. Creighton said he received many emails regarding Open Window School, addressed to the entire Council, prior to Council's approval of the conditional use permit on March 19. He did not read any of the emails. He received the email from Mr. Herbig referenced by Councilmember Noble, but did not read it until after Council's vote. After March 19, Mr. Creighton said he received a number of emails thanking him for his vote, which he read and deleted. None of them contained any substantive information or discussion of the merits of the appeal. Mr. Creighton had no other communications whether written, oral, voicemail, or electronic regarding Open Window School.

Deputy Mayor Marshall said she received many emails addressed to the entire Council prior to February 12, 2001. She did not read any of the emails received after the appeal to City Council was filed. She acknowledged that she opened some of them, but as soon as she realized the subject matter she closed the emails and forwarded them to the City Clerk's Office. She did not recall reading anything of substance about the appeal in any of the emails.

Prior to the appeal of the Hearing Examiner's decision by the Cougar Mountain Residents Association, Mrs. Marshall met with residents and toured the area. Residents discussed a variety of issues including traffic and the proposed Open Window School. Mrs. Marshall formed no opinions at that time about the school's application for a conditional use permit. She was later contacted by residents association members about their proposed appeal and agreed to meet with

them again. After talking to the City Clerk and realizing the matter was quasi-judicial, Mrs. Marshall canceled the meeting.

During the months prior to the first Council hearing on the issue in October 2000, Mrs. Marshall was contacted by a representative of Open Window School. At that time, she repeated her suggestion that the school contact Metro about possible solutions to the traffic issues that appeared to be of concern to residents. Mrs. Marshall said she had not at any time prior to the hearing of February 5, 2001, made up her mind on the issue relating to the application. She understood she was expected to keep an open mind and to decide the appeal based on the record before the Council, which she ultimately did.

After Council voted in March 2001 to grant the permit, Mrs. Marshall said she ran into Mr. Vradenburg, a friend, at Newport Heights Elementary School and they hugged. She told him she assumed he would be a good neighbor as he and other school representatives have promised. He said he would and they did not discuss the matter any further. Several weeks later, shortly before the residents appealed Council's decision to Superior Court, Mark Gregoire dropped by Mrs. Marshall's home unannounced and left a packet of material which he described as being about traffic on Cougar Mountain Way. They did not discuss the contents and since the City Attorney already had a packet of the material from Mr. Degginger, Mrs. Marshall forwarded the packet to City staff without ever having read it.

Mrs. Marshall noted that several doctors contacted her husband at Overlake Hospital, where he works. Her husband told the doctors the matter was quasi-judicial and that he could not discuss their conversations with Mrs. Marshall, which he did not. Mrs. Marshall said she has had no other communications whether oral, written, voicemail, or electronic regarding Open Window School.

Mr. Degginger said he received numerous emails from people on both sides of the issue, most of which were addressed to the entire Council, prior to February 12, 2001. He did not read them and forwarded them to the City Clerk. In approximately July 2000, Mr. Degginger received a voicemail message from Mark Gregoire inviting him to tour the area but he did not return the call. Mr. Degginger attended part of a presentation about the proposed Open Window School at Cougar Ridge Elementary School because he happened to be at the school on unrelated business.

After February 12, Mr. Degginger received, but did not read, many emails addressed to the Council. He received several emails addressed to him specifically, which he opened because the titles did not indicate they were about Open Window School. When he encountered such messages, he closed them and forwarded them to the City Clerk. Mr. Degginger did not recall reading anything of substance about the application.

After February 12 and until Council's vote on the ordinance approving the conditional use permit on March 19, 2001, Mr. Degginger received no further emails and had no ex parte communications on the issue. A few weeks after March 19 and shortly before the residents filed their appeal, Mr. Gregoire stopped by Mr. Degginger's home unannounced on a Saturday morning and left a packet of materials about traffic on Cougar Mountain Way. Mr. Degginger

invited Mr. Gregoire in and they discussed some of the documents in the packet. Mr. Degginger said he does not recall what Mr. Gregoire said about the documents that day. He did not read the packet, set it aside, and has not read it to date. Mr. Degginger recalled thinking at the time that nothing that was said about the material in the packet was significantly different from what he learned from the record or reviewed on the appeal.

Mr. Degginger said he received an email approximately two weeks ago from Jim Adcock about Open Window School. He did not read it and forwarded it to the City Clerk.

Mayor Mosher received many emails about the matter, most of which were addressed to the entire Council. He deleted some messages with "Open Window School" in the subject line without opening them. Others were copied to the City Clerk. He opened some messages that, once read, appeared to be about Open Window School. He closed these messages immediately and forwarded them to the City Clerk. Mr. Mosher said he did not recall reading any information about the substance or merits of the appeal. Some urged him to vote for the school and some urged him to vote against the school. After Council's vote, Mr. Mosher received emails thanking Council for its decision. He deleted some of these messages and forwarded others to the City Clerk. Mayor Mosher said he had no other oral, written, voicemail, or electronic communications regarding the Open Window School conditional use permit application.

- ➡ Mr. Noble moved to add to tonight's agenda a motion for reconsideration of the February 5, 2001, Council vote granting the appeal of the Cougar Mountain Residents Association and denying the application of Open Window School for a conditional use permit.

City Attorney Dick Andrews advised the mayor to allow the audience an opportunity to ask questions or to provide rebuttal comments. At Mayor Mosher's invitation, Mickey Gendler came forward to speak to the Council.

In response to Mr. Gendler, Councilmember Degginger said he received the communication from Mr. Adcock within the past several weeks and forwarded it to the City Clerk. In response to Mr. Gendler, Councilmember Noble provided a copy of the email he received from Mr. Herbig.

After taking a moment to read Mr. Herbig's email, Mr. Gendler said the Cougar Mountain Residents Association is concerned that the matter is back to where it was in February. He said the association did not have an opportunity to speak to the issue before Council's present discussion. He acknowledged the opportunity for oral communications earlier in the meeting, but at that point he did not know this discussion would be on Council's agenda. Mr. Gendler said the fact that the school did not come forward to request a reconsideration suggests to him that school representatives know something that he and the residents association do not know. He expressed concern about the procedure, which he feels appears to be unfair.

Mr. Gendler then addressed Councilmember Noble's statement that a motion for reconsideration can be made at tonight's meeting. Mr. Gendler said it is the view of the residents association that the time for reconsideration has passed according to Council rules. He said the court ruled that

the actions of February 12, 2001, were illegal. However, the court did not rule that it was wiping out the occurrence of that meeting on the calendar. Mr. Gendler said according to Council rules, reconsideration must be requested at the next regular meeting. He alleged that the next regular meeting came and went on February 12 and no lawful motion for reconsideration was made. He acknowledged that the City Attorney has a differing point of view. Mr. Gendler asked the Council to consider the possibility that he is correct on this point and that the Council can avoid another lengthy legal battle by not moving to reconsider.

Mr. Gendler expressed concern that Mr. Herbig's communication speaks badly of the residents association without foundation, goes outside of the established record, and is an unfair communication. He said Mr. Herbig unfairly characterized opponents as a few "not in my backyard" neighbors.

Dr. Davidson observed that Mr. Gendler appears to be reading this communication into the record now.

Mr. Gendler suggested that Mr. Noble recuse himself from discussion of the issue and not proceed with the motion. Mr. Gendler said the residents association has not been afforded an opportunity to discuss why reconsideration should not be initiated now. He alleged the school knew it did not have to speak to the issue. Mr. Gendler said the whole procedure from this point forward, if reconsideration is taken up, denies Cougar Mountain Residents Association its due process. He reiterated that Councilmember Noble should step down and recuse himself from participation in the matter.

Mr. Noble noted that he disclosed the communication from Mr. Herbig at the time of Council's vote and specifically commented on it at the time. Further, the email is a matter of public record in the City Clerk's Office and was available for Mr. Gendler's review at any time.

Mrs. Marshall thanked Mr. Gendler for his comments and asked the City Attorney to come forward. In response to Mrs. Marshall, Mr. Andrews said parties representing both sides of the issue were invited to the meeting tonight. He said a letter was sent to Mr. Gendler, followed by a phone call. A phone call was also made to the school's attorney, but Mr. Andrews was not sure if they also received a letter. Both parties were invited to attend tonight on the possibility that Council might move to reconsider. Mr. Andrews told Mr. Gendler in a phone conversation earlier in the day that a motion might take place and that it would be prudent for him to attend the meeting. He said Lori Riordan in the City Attorney's Office had a phone conversation today with Mr. Miller relaying the same information. Mr. Andrews said Mr. Gendler was aware of the opportunity for oral communications on tonight's agenda, but he did not come forward to address the Council.

In response to Mr. Gendler's allegation that school representatives did not attend tonight's meeting, Deputy Mayor Marshall noted the presence of Open Window School representatives in the audience. In response to Mrs. Marshall, Mr. Andrews said he invited school representatives and informed them of the possibility that the matter would be discussed by Council, but he did not say that the matter would definitely be discussed.

In response to Mrs. Marshall, Mr. Andrews confirmed that any Councilmember can make a motion to reconsider at the next regular meeting following a Council action, as long as the Councilmember voted on the prevailing side of the issue. In further response, Mr. Andrews said conversations between Councilmembers and the City Attorney's Office are not considered to be ex parte communications because the City Attorney is charged with providing staff support to Council. Mrs. Marshall said she had no ex parte communications with either the neighborhood group or the school group about whether this issue would come up tonight.

Dr. Davidson requested a clarification of the motion on the floor and asked whether Council was ready to vote. Mrs. Marshall said it is necessary to first clarify whether any Councilmembers had contact with either party about whether the issue would be reconsidered tonight. Dr. Davidson, Mr. Creighton, Mr. Degginger, and Mr. Noble all responded that they had no ex parte communications to that effect.

Mr. Andrews asked whether anyone else would like to question Councilmembers or offer rebuttal, emphasizing that this is the opportunity for such communications. No one came forward to comment.

- ➡ Dr. Davidson seconded the motion made earlier by Councilmember Noble to add a motion for reconsideration to tonight's agenda.
- ➡ The motion to add to tonight's agenda a motion for reconsideration of the February 5, 2001, Council vote granting the appeal of the Cougar Mountain Residents Association and denying the application of Open Window School for a conditional use permit carried by a vote of 6-0.

Mayor Mosher indicated he would add the subject as agenda item 4(a)(1).

- ➡ Mrs. Marshall moved to add a discussion of redistricting as agenda item 4(a)(2), and Mr. Creighton seconded the motion.
- ➡ The motion to add a discussion of redistricting as agenda item 4(a)(2) carried by a vote of 6-0.

(1) Motion for reconsideration

- ➡ Mr. Noble moved to reconsider the February 5, 2001, Council action granting the appeal of the Cougar Mountain Residents Association and denying the Open Window School's application for a conditional use permit, and Mrs. Marshall seconded the motion.

Mr. Noble noted that Councilmember Lee was unable to attend tonight's meeting due to a prior commitment out of state. He said Mr. Lee sent an email to the Council indicating his interest in the matter and his disappointment that he could not attend.

- ➡ Dr. Davidson moved to postpone discussion and action on the motion to reconsider until Monday, October 1, when all Councilmembers are present. Mr. Noble seconded the motion.
- ➡ The motion to postpone discussion and action on the motion to reconsider until Monday, October 1, carried by a vote of 6-0.

(2) Discussion regarding King County Council Redistricting

Deputy Mayor Marshall said she began serving on the King County Redistricting Committee in June. King County is interested in adjusting district boundaries in order to achieve population balance based on the 2000 census. The goal is to establish districts with approximately 133,000 people each. Mrs. Marshall noted that suburban King County Council districts have increased in population while urban districts within Seattle have decreased in population.

Mrs. Marshall requested Council's approval of a draft letter to the Redistricting Committee provided in the desk packet. The letter discusses Bellevue's interest in maintaining a balance on the King County Council between Seattle and suburban representation. Mrs. Marshall noted that one alternative under consideration, Option G, places Bellevue primarily in one County Council district, which would dilute Bellevue's voice on the King County Council. In addition to pointing out that Bellevue is the second largest city in the county, Mrs. Marshall suggested adding that Bellevue is second in terms of sales tax collections. She feels there must be at least two King County Councilmembers representing Bellevue, particularly when all of the redistricting alternatives provide Seattle with a minimum of four representatives.

Mr. Degginger thanked Mrs. Marshall for her work with this committee. In addition to the revisions suggested by Mrs. Marshall, Mr. Degginger suggested the letter note that Bellevue is second in the county in terms of assessed valuation.

Dr. Davidson suggested adding a statement of support for Option D, which he feels most clearly meets Bellevue's needs.

Mr. Creighton thanked Mrs. Marshall for her efforts and agreed with the need to adjust district boundaries based on changes in populations.

Mayor Mosher noted Council consensus to revise and send the letter as discussed. Mrs. Marshall invited citizens to access the King County web site and provide their input on redistricting.

(b) Consent Calendar Items [Moved from Canceled September 17 Council Meeting]

- (1) Motion to approve payment of claims for the period ending September 10, 2001, and payroll for the period August 16 through August 31, 2001.
- (2) Resolution No. 6595 authorizing execution of a consultant agreement with Miller/Hulls Partnership, LLC, for architectural programming, project

research, and design for the Bellevue Botanical Garden Visitors Center in the amount of \$89,846. (CIP Project No. P-AD-27)

- (4) Resolution No. 6597 authorizing execution of a professional services agreement with Cambridge Systematics, Inc. (CSI) in the amount of \$79,862 for implementing short-term model enhancements for the traffic forecasting model.

Mrs. Marshall requested pulling item 4(b)(3) for Council discussion.

- ➡ Mrs. Marshall moved to approve the Consent Calendar, as amended, and Mr. Creighton seconded the motion.
- ➡ The motion to approve the amended Consent Calendar carried by a vote of 6-0.

Item for Council Discussion:

- (3) Resolution No. 6596 initiating vacation of the west half of 145th Place SE at Landerholm Circle adjacent to 148th Avenue SE, near CIP Project No. PW-R-117 (148th Avenue SE Roadway Improvements), and setting a time and place for a hearing to consider such a vacation.

Mrs. Marshall requested a revision to the agenda memo accompanying Resolution No. 6596, as provided in Council's desk packet. She suggested adding language to acknowledge that future use of the area affected by the resolution is difficult to predict, especially given the potential for significant growth at Bellevue Community College. She does not want the City to make a commitment that it may not be able to maintain over time.

- ➡ Mrs. Marshall moved to approve Resolution No. 6596, amended to add the following statements to the "Background" section of the accompanying City Council Agenda Memorandum: "The proposed project and development configuration moves the access for the parcel from 145th Place SE to Landerholm Circle. This vacation of a portion of 145th Place SE will further preserve the neighborhood by continuing to serve only local needs. However, it should be noted that future uses of this area are difficult to predict, especially given the potential for significant growth at Bellevue Community College, therefore the usage of 145th Place SE may change in the future." Mr. Degginger seconded the motion.

Mr. Noble agreed and requested the record reflect that Council's vote on the resolution is not meant to imply that 145th Place SE will never be changed in the future, although there are currently no plans for changes.

- ➡ The motion to approve Resolution No. 6596 and the requested revision to the accompanying City Council Agenda Memorandum carried by a vote of 6-0.

- (c) Ordinance No. 5320 establishing parking restrictions to implement the parking of authorized transit vehicles on the east side of 100th Avenue NE between Main Street and NE 1st Street; and amending Section 2 of Ordinance No. 5306.

Mrs. Marshall noted that Council has had several discussions about the location of bus layover zones in Bellevue.

- ➡ Mrs. Marshall moved to adopt Ordinance No. 5320, and Mr. Creighton seconded the motion.

Dr. Davidson reiterated his ongoing concern about using downtown streets for the siting of bus layover zones. He encouraged Metro to find alternate off-street parking and to provide a free-ride zone in downtown Bellevue. He will not support the motion.

Mr. Degginger said he will support the motion but he shares Dr. Davidson's concerns. He hopes the issue can be reevaluated following completion of the Access Downtown project.

- ➡ The motion to adopt Ordinance No. 5320 carried by a vote of 5-1, with Dr. Davidson dissenting.

- (d) Library Board Briefing

This item was postponed.

- (e) Management Brief regarding a proposal with the Bellevue Economic Partnership

Planning and Community Development Director Matt Terry introduced Betty Nokes, President of Bellevue Chamber of Commerce, and Will Einstein, Co-Chair of the Bellevue Economic Partnership. Mr. Terry said members of the Bellevue Economic Partnership (BEP) have recently been discussing the importance of initiating a more aggressive marketing program focused on recruiting new businesses to the community. BEP requests that the \$40,000 set aside in the City's 2001-2002 budget for Economic Vitality Council Communication be used to leverage private-sector resources to expand the BEP's efforts in recruiting new businesses. Mr. Terry requested Council consideration of a proposal to contract with BEP to enhance Council's communications regarding economic vitality.

Mr. Degginger commented on the economic downturn during the past eight months and the availability of vacant office space in downtown Bellevue.

- ➡ Mrs. Marshall moved to direct the City Manager to contract with BEP for the administration of a Bellevue marketing campaign to focus on business recruitment as well as to convey the importance of a healthy business environment to residents. Mr. Noble seconded the motion.

Dr. Davidson noted the need to remain competitive with other cities across the state and nation.

- The motion to direct the City Manager to contract with BEP for the administration of a Bellevue marketing campaign to focus on business recruitment, as well as to convey the importance of a healthy business environment to residents, carried by a vote of 6-0.

(f) Washington State Department of Transportation Reorganization and New Direction

Transportation Director Goran Sparrman introduced George Kargianis, Vice Chair of the Washington State Transportation Commission; David Dye, Washington State Department of Transportation (WSDOT) Urban Corridors Administrator; and Craig Stone, also with WSDOT and involved in the I-405 project. Mr. Sparrman noted that WSDOT has recently assumed a more aggressive role under new leadership.

Mr. Kargianis explained that WSDOT's role is to provide the traveling public with the best transportation system available. He noted that East King County is the economic driver of King County and King County is the economic driver for the state. He said the state's new Secretary of Transportation, Doug MacDonald, brings a renewed focus on the largest transportation projects that will have the greatest impact.

Mr. Kargianis acknowledged that the state is in a transportation crisis due to a 20-year history of inadequate capital investment in transportation facilities in the face of burgeoning population growth and economic activity. Population has increased 41 percent and the number of jobs has increased 58 percent since 1980. Both are expected to increase an additional 35 percent over the next 20 years. As a result, vehicle registrations are up 64 percent and vehicle miles are up 88 percent since 1980.

Mr. Kargianis said capital investments have not kept pace with rapidly growing transportation demands. In fact, investment in transportation infrastructure decreased since 1980 in relation to the increase in total personal income. Traffic volumes on freeways in King County have increased significantly since 1980 and urban areas around the state have also experienced increased congestion.

Mr. Dye provided an overview of the Urban Corridors Program. He said approximately half of all highway congestion is caused by non-recurrent incidents, primarily accidents. WSDOT and the State Highway Patrol are working together to mitigate the impact of accidents. Starting soon, tow trucks will be on duty focusing on the I-405 and 167 interchange to expedite the clearing of accident scenes.

Mr. Dye said WSDOT is committed to expediting project development for key transportation corridors. Aggressive schedules have been adopted in the hopes of moving projects to the design/build stage by 2004-2005, or as early as 2003 in some cases. Mr. Dye noted the following members of the Urban Corridors Team: Mike Cummings, Cliff Mansfield, Renee Montgelas, Helena K. Smith, Craig Stone, and Maureen Sullivan.

Mr. Dye said WSDOT is employing new tools to streamline the environmental permit and design/build processes. The agency's new approach will focus on corridor-level facilities and

environmental improvements. Mr. Dye commented on the status of the following Eastside projects:

Sound Transit Regional Express (Bellevue's *Access Downtown* project) – Mr. Dye noted this is a complex project that will greatly improve the function of HOV (high-occupancy vehicles) lanes and the regional freeway system.

I-90 Center Roadway – Mr. Dye said WSDOT has been working with Sound Transit and other stakeholders for approximately two years to determine the best way to provide reliable two-way transit operations across I-90. WSDOT and the I-90 Committee are currently waiting for the Federal Highway Administration to release its position on this project.

Trans-Lake Washington Study (SR 520) – Mr. Dye said this project faces the biggest challenge in terms of available funding. However, the study continues to move forward with the identification of Environmental Impact Statement (EIS) alternatives anticipated in January 2002.

I-405 – Mr. Dye said this project is moving forward following the selection of a preliminary preferred alternative. This alternative provides Bus Rapid Transit with an expanded transit system, two additional general purpose lanes in each direction, and the widening of SR 167.

Mr. Dye reiterated that WSDOT is not conducting “business as usual” but is focused on streamlining and accelerating project development and implementation.

Deputy Mayor Marshall thanked Mr. Kargianis for his leadership of the I-405 project. She expressed appreciation for the WSDOT “dream team” working on the I-90 project and commended their perseverance.

At 8:21 p.m., Mayor Mosher declared a 10-minute break. The study session resumed at 8:29 p.m.

(g) Regional Issues

Regional Issues Manager Diane Carlson introduced the first draft of Bellevue's 2002 State Legislative Agenda and Policy Statement. She asked Councilmembers to provide comments via email or in writing and noted that final Council action on the agenda and policy statement is scheduled for November.

Councilmember Degginger suggested revising the legislative agenda to provide a shorter and more concise document of priorities for state legislators. Mr. Noble agreed, and Ms. Carlson suggested grouping priorities into high, medium, and low categories.

Mayor Mosher feels water policy is a high priority. In terms of growth management, he suggested emphasizing that local jurisdictions are having problems complying with concurrency standards due to the absence of State transportation projects. Ms. Carlson will return with a revised draft for further discussion with Council in October.

Kim Becklund referred Council to page 30 of the Regional Issues packet and noted that Council's input will be requested in October regarding Eastside Transportation Partnership's discussions about Sound Transit and King County Metro services in East King County.

Mr. Degginger commented on the recent Regional Transit Committee meeting and reported that King County released a draft framework of its Six-Year Transit Plan. He said the plan appears to provide significant new service hours for the Eastside, more park and ride lots, improved transit frequency and dependability, true rapid transit, and a revision in the regional cost-sharing formula.

Dr. Davidson is disappointed in the lack of progress for the Sound Transit Phase I plan, which could now be extended to 2009. Mrs. Marshall noted, as chair of the Eastside Transportation Partnership, that she is not in favor of extending this time line. She said ETP needs to determine how voters feel in order to be prepared to respond should Sound Transit decide to extend Phase I.

Ms. Carlson noted an update on regional transportation corridor projects beginning on page 34 of the Regional Issues packet. Staff will provide a recommendation on the I-405 preferred alternative in October.

(h) Project Update for 156th Avenue Corridor – NE 8th Street to Northup Way

Mayor Mosher allowed a citizen wishing to comment on the 156th Avenue project to address the Council because he missed the earlier opportunity under Agenda Item 3, Oral Communications.

Mark Howard lives on 156th Avenue NE and served on the steering committee for the 156th Avenue Corridor project. He thanked Councilmembers for their efforts to make the Crossroads area more attractive. He feels the senior citizens, children, and walkers in the area deserve a nice neighborhood. Mr. Howard urged Council to approve wider sidewalks and enhanced landscaping along 156th Avenue.

Transportation Director Goran Sparrman recalled Council's August 6th discussion with staff regarding the 156th Avenue – NE 8th Street to Northup Way project. He noted that the alternative analysis phase of the 156th Avenue NE project covered a 12-month period and consultant costs for this phase represent 5 to 6 percent of total construction costs. The design phase was longer than anticipated, 24 months, and design consultant costs represent 19 to 20 percent of total construction costs. Mr. Sparrman said the following factors contribute to higher design costs for the 156th Avenue project: 1) project steering committee review, 2) extensive public involvement process, and 3) significant coordination to incorporate public art into the project.

Mr. Sparrman explained that the original intent of the project was to improve safety for vehicles and pedestrians and reduce congestion in the corridor. In response to Council direction, the following objectives have been added: 1) enhance neighborhood character, 2) maximize sidewalk widening, 3) minimize costs and impacts, and 4) provide maximum opportunity for public art.

Mr. Sparrman reviewed two alternatives for Council's consideration. The first proposal is to widen the sidewalk from six to eight feet for approximately 1,700 linear feet of the project and to install a total of 45 street trees. This option requires a budget increase of \$600,000. The second alternative is to widen the sidewalk from six to eight feet for 1,230 linear feet and to install 39 street trees. This option requires a budget increase of \$400,000. Mr. Sparrman said the high cost of providing wider sidewalks is due to the constraints of the existing development and roadway.

Mr. Sparrman displayed a series of photographs along 156th Avenue NE. Beginning at the south end of the project on the west side of 156th Avenue, staff proposes meandering the sidewalk in front of Evergreen Estate Condominiums in order to preserve existing trees and provide a partial barrier between the sidewalk and the road. In front of Cascadian Apartments, staff recommends removal of the current railing and trees and replacement of the existing sidewalk with a new, wider sidewalk. The sidewalk in front of Pacific Village Center will remain as it is with the addition of landscaping and street trees. The sidewalk along Central Park East will also remain as it is today, but newspaper boxes and other objects currently on the sidewalk will be relocated. Staff proposes replacing the sidewalk in front of Crossroads Medical/Dental with an 8-foot sidewalk and landscaping next to the curb, which will enhance both pedestrian use and safety. Staff recommends moving the brick wall along Nottingham Condominiums back two feet to create an 8-foot sidewalk and landscaping.

Moving to the east side of 156th Avenue and heading south, staff recommends leaving the sidewalk in front of Colonial Square Apartments as it is. Widening the sidewalk along this segment would be expensive and would negatively impact the grading and entrances to the complex. The sidewalk along The Court at Crossroads will be completely replaced with an 8-foot sidewalk and landscaping. Along the Warner/Crary development (Top Foods), staff proposes replacing the sidewalk with an 8-foot sidewalk and street trees at a cost of approximately \$200,000. Mr. Sparrman acknowledged that this is an expensive segment of the project, but staff feels it is appropriate given the heavy pedestrian activity in the area.

Mr. Sparrman said the project is currently at the 90-percent design level and Council already approved a resolution to provide funds for full design. The proposed changes involving sidewalks and street trees will not require additional design expenses but will impact the construction phase of the project.

Mr. Sparrman summarized and noted staff's recommendation for Proposal 1 as the best response to the need for pedestrian amenities. As an enhancement to this alternative, the planter area along the frontage of the Warner/Crary development and Key Bank could be widened from two to four feet for an additional cost of \$120,000.

Dr. Davidson questioned the availability of funds to cover the proposed budget increases. Mr. Sparrman said cost increases for some capital projects have been covered through cost savings on other projects. Staff has not yet identified potential funding sources for the 156th Avenue project.

In response to Mr. Creighton, Assistant Director David Berg said a new pedestrian crossing will be located near Colonial Square Apartments.

- ➡ Mrs. Marshall moved to direct staff to proceed with Proposal 1 and the recommended planter area enhancement, and to return with a budget increase request at a later date. Mr. Creighton seconded the motion.

Mr. Noble thanked staff for their work on this project and the development of additional alternatives for Council's review.

- ➡ The motion to direct staff to proceed with Proposal 1 and the recommended planter area enhancement, and to return with a budget increase request at a later date, carried by a vote of 6-0.

Mayor Mosher thanked staff for responding to Councilmembers' concerns.

Mr. Creighton requested a staff report regarding the City's revenue outlook, and Deputy City Manager Ed Oberg said staff would be happy to provide this in the near future.

At 9:15 p.m., Mayor Mosher declared the meeting adjourned.

Myrna L. Basich
City Clerk

kaw